

REMARKS

This Amendment is in response to the Office Action mailed August 30, 2010. In the Office Action, claims 13, 15-17 and 26-30 have been rejected. Herein, claim 26 has been amended and claims 31-37 have been added. Claims 1-12 and 18-25 have been cancelled without prejudice. Reconsideration in light of the remarks made herein is respectfully requested.

Request for Examiner's Interview

Applicant respectfully requests the Examiner to contact the undersigned attorney at the phone number listed below if, after review of the contents of the amendment and response along with a review of the cited prior art references, the Examiner still disagrees with the allowability of the claims. Such discussion, if needed, may facilitate prosecution of the subject application. The Examiner is thanked in advance for his time and attention to this matter..

Rejection Under 35 U.S.C. § 103

Claims 13, 16-17, 26-27 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whelan (U.S. Publication No. 2005/0003827) in view Dietrich (U.S. Patent No. 7,301,926). Furthermore, claims 15 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whelan in view Dietrich and Cameron (U.S. Patent No. 7,079,850). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness, certain basic criteria must be met. For instance, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143*. Applicant respectfully submits that the combined teachings do not address each and every limitation, and thus no *prima facie* case of obviousness has been established.

Furthermore, the Supreme Court in Graham v. John Deere, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or

nonobviousness of the subject matter is determined.” See MPEP §2141. In KSR International Co. vs. Teleflex, Inc., 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that “[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order *to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.*” *Emphasis Added*. The Court further required that an explicit analysis for this reason must be made. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” KSR, 127 S.Ct. at 1741, quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006). In the instant case, Applicant respectfully submits that there are significant differences between the cited references and the claimed invention and there is no apparent reason to combine the known elements in the manner as claimed, and thus no *prima facie* case of obviousness has been established.

A. §103 Rejection of Claims 13, 16-17, 26-27 and 29-30

1) Independent claim 13

With respect to claim 13, Applicant respectfully submits that neither Whelan nor Dietrich, alone or in any combination, disclose or render obvious the limitations of: (1) placing an address of the station into a list identifying stations located in a potential coverage hole if none of the plurality of access points computes a RSSI value of the management message above the second RSSI threshold; or (2) removing the address of the station from the list if one of the plurality of access points computes the RSSI value of the management message above the first RSSI threshold.

With respect to the first (1) limitation, the Office Action states that paragraph [0240] of Whelan describes “the wireless network management server determines the lowest RSSI measurements for each access points coverage area.” See *page 4 of the Office Action*. This determination is intended to “find the RSSI experienced by the mobile units 16 at the fringes of the network’s coverage area.” See *paragraph [0240] of Whelan*. Applicant respectfully

disagrees with the rationale set forth in the Office Action that Whelan allegedly suggests this limitation for a number of reasons.

First, Applicant respectfully submits that the determination of the lowest RSSI measurements for each AP, as described in Whelan, is conducted by the wireless network management server based on the RSSI experienced by the mobile units (16). *See paragraph [0240] of Whelan*. As claimed, however, the RSSI values are determined for a particular management message by multiple access points (APs).

Second, according to Whelan, the RSSI measurements are conducted to determine fringes of network coverage areas. *See paragraph [0240] of Whelan*. In contrast, Whelan offers no teaching or suggestion of an operation of placing an address of the station into a potential coverage hole list if *none of the plurality of access points* computes a RSSI value for a management message from a station above a second (low) predefined RSSI threshold. *Emphasis added*. The claimed invention is directed to multiple APs collectively detecting coverage holes when all of these APs determine the signal strength for a communication from a station that fails to exceed a certain RSSI threshold. In contrast, Whelan is directed to detecting network fringes based on measured RSSI values of the stations without any consideration of RSSI measurements by the APs forming the wireless network and collective RSSI determinations for detecting coverage holes as explicitly claimed.

Moreover, upon review of Dietrich, this cited reference merely discloses that coverage analysis as to each access element may be based on percentage of mobile stations below a threshold signal strength level. Stats collector 84 maintains, for each access element, a list of identifiers (e.g., MAC addresses) of the remote client elements that have established wireless connections. Stats collector 84, as to each mobile station identifier in the list, maintains the detected signal strength values associated with each packet corresponding to the remote client elements (Dietrich, col. 10, lines 7-16). By placing all the remote client elements for each access element in the list in Dietrich, this list does not only include “stations located in a potential coverage hole.” Accordingly, the list in Dietrich identifies the remote client elements for each access element and thus, cannot be “a list identifying stations located in a potential coverage hole”, as recited in claim 13.

With respect to the second (2) limitation, the Office Action states that paragraph [0229] of Whelan describes “removing the address of the station from the list if one of the plurality of access points computes the RSSI value of the management message above the first RSSI threshold.” *See page 4 of the Office Action.* Applicant again respectfully disagrees with the grounds for rejection outlined in the Office Action for a number of reasons. First, Applicant respectfully submits that Whelan teaches to the filtering of high and low RSSI measurement values. *See paragraph [0229] of Whelan.* In contrast, as set forth in the claimed invention, determined RSSI values exceeding the first (high) RSSI threshold are used to discern that a coverage hole at the station is unlikely and causes removal of the station from the potential coverage hole list if it is presently listed. The RSSI measurements are never censored, but provide invaluable information for coverage hole detection.

In light of the foregoing, Applicant respectfully requests withdrawal of the outstanding rejection as applied to claim 13.

2) Independent claim 26

With respect to claim 26, Applicant respectfully submits that neither Whelan nor Dietrich, alone or in any combination, disclose or render obvious the limitations of: (1) placing the address of the station into a list identifying stations located in a potential coverage hole if none of the RSSI values determined by the plurality of access points exceeds the second RSSI threshold; and (2) removing the address of the station from the list if at least one of the RSSI values measured by the plurality of access points exceeds the first RSSI threshold. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 26 for the reasons denoted above.

3) Dependent Claims 16-17, 27 and 29-30

Moreover, based on the dependency of claims 16-17 and claims 27 & 29-30 on independent claims 13 and 26, respectively, which are believed to be in condition for allowance, Applicant respectfully submits that claims 16-17, 27 and 29-30 are believed to be allowable for at least the reasons set forth above.

B. §103 Rejection of Claims 15 and 28

Claims 15 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whelan in view of Dietrich and Cameron (U.S. Patent No. 7,079,850). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. Moreover, based on the dependency of claims 15 and 28 on independent claims 13 and 26, respectively, which are believed to be in condition for allowance, Applicant respectfully submits that claims 15 and 28 are believed to be allowable for at least the reasons set forth above.

Conclusion

Applicant respectfully requests that the Examiner reconsider the rejections and issue a timely Notice of Allowance.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: November 30, 2010

By /William W. Schaal/

William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040